

**Meeting of the Central Valley Flood Protection Board
December 3, 2010**

Staff Report – Encroachment Permit

**Olma Tomato Processors, Inc.
Pipe Replacement, Kings County**

1.0 – ITEM

Consider approval of Permit No. 18238 (Attachment B)

2.0 – APPLICANT

Olma Tomato Processors, Inc.

3.0 – LOCATION

The project is located along the left bank of the South Fork Kings River
Left bank levee of the South Fork Kings River, Unit 11 & 12, C.M. 4.1, in Section 36, T.
19S., R.19E., Kings County. See (Attachment A)

4.0 – DESCRIPTION

Applicant proposes to remove existing 18-inch-diameter pipe and install a 171-foot, 18-inch-diameter HDPE water pipe through the left (east) bank levee of the South Fork of Kings River.

5.0 – PROJECT ANALYSIS

The purpose of the proposed pipe is to convey wastewater from the east of the channel to the west side. The invert of the existing pipe is below the design water surface elevation for the project area. The modification/relocation of the existing 18-inch-diameter pipe is to prevent water from piping along the outside of the existing pipeline through the levee during a flood. The replaced pipe will have cutoff collar, will be placed at higher elevation under the levee crown with slopes on both sides of the levee.

5.1 – Hydraulic Analysis

Provost & Pritchard Consulting Group is in charge of planning and design of this project. Hydraulic Analysis is not required for this project.

5.2 – Geotechnical Analysis

The Special Conditions on the permit will require the applicant to perform a density test and certify the compaction of the backfill material.

5.3 – Additional Staff Analysis

Staff agrees that the proposed replacement of the existing pipe is an improvement to the structure and Levee integrity.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

- The U.S. Army Corps of Engineers 208.10 comment letter has not yet been received for this application. Upon receipt of a favorable letter and review by Board staff it will be incorporated into the permit as Exhibit A.
- The Kings River Conservation District has endorsed this application with conditions and they will be incorporated into the permit as Exhibit B.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA Findings:

The Board, as a Responsible Agency under CEQA, has reviewed the Initial Study, Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2007051030, May 2007) for the Waste Discharge Requirements for SK Foods, Tomato Processing Facility prepared by the lead agency, Regional Water Quality Control Board. These documents including project design and Notice of Determination of the Regional Water Quality Control Board may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2010/12-03-2010agenda.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and the Regional Water Quality Control Board offices.

The Regional Water Quality Control Board filed a Notice of Determination on August 27, 2007 and determined that the project would not have a significant effect on the environment and mitigation measures were not required as a condition of the project. The Board staff finds that the proposed project will not have a significant effect on the environment.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

The proposed project will improve the State Plan of Flood Control as the invert of the new pipe will be above the design water surface elevation.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

The location of the proposed pipe may require relocation if future events cause a significant change to the hydrology and hydraulics of the project area.

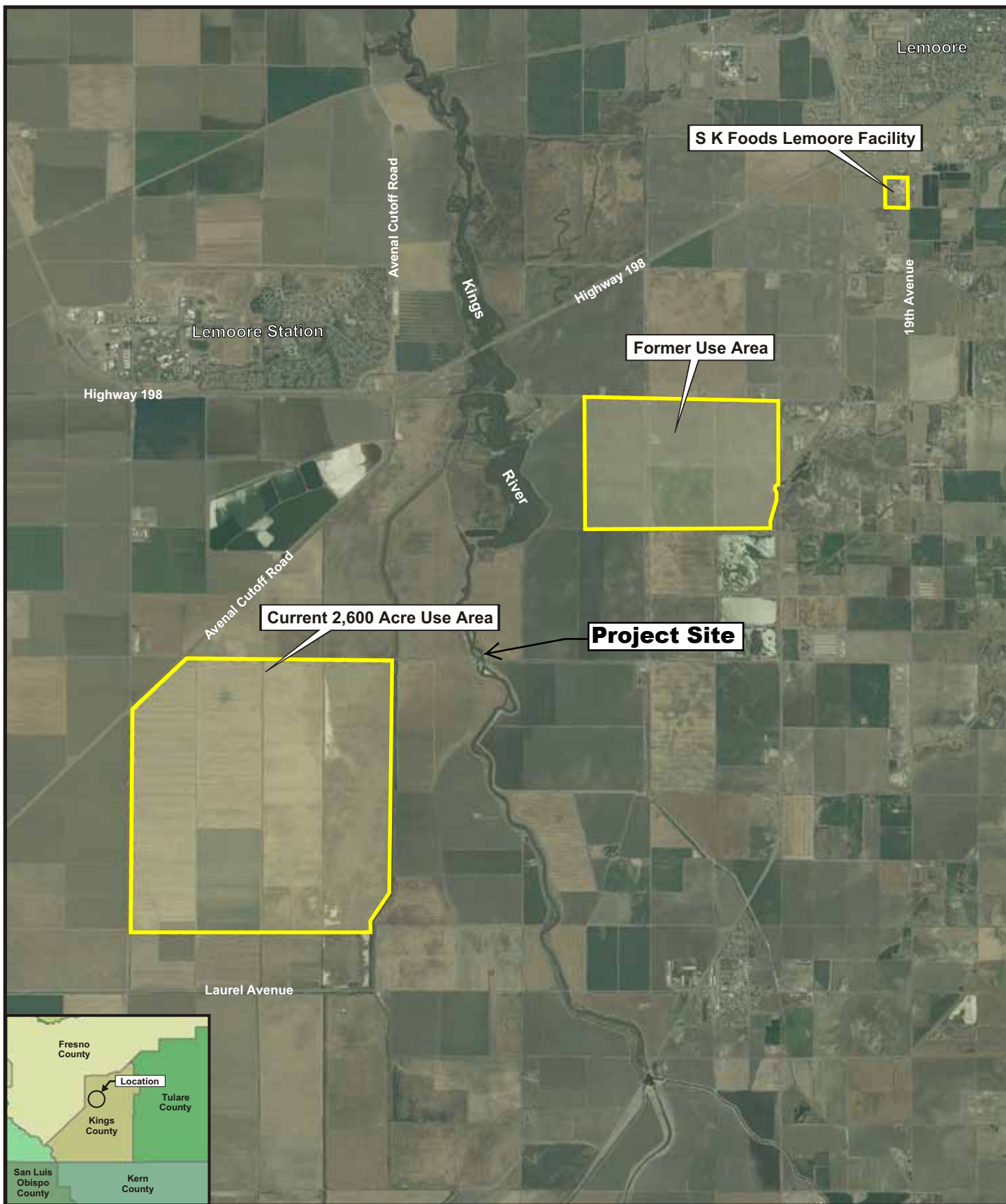
9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA findings, approve the permit conditioned upon receipt of a favorable U.S. Army Corps of Engineers comment letter, and direct staff to file a Notice of Determination with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18238

Design Review:	Sam Brandon
Environmental Review:	James Herota
Document Review:	Gary Lemon P.E., Len Marino P.E.

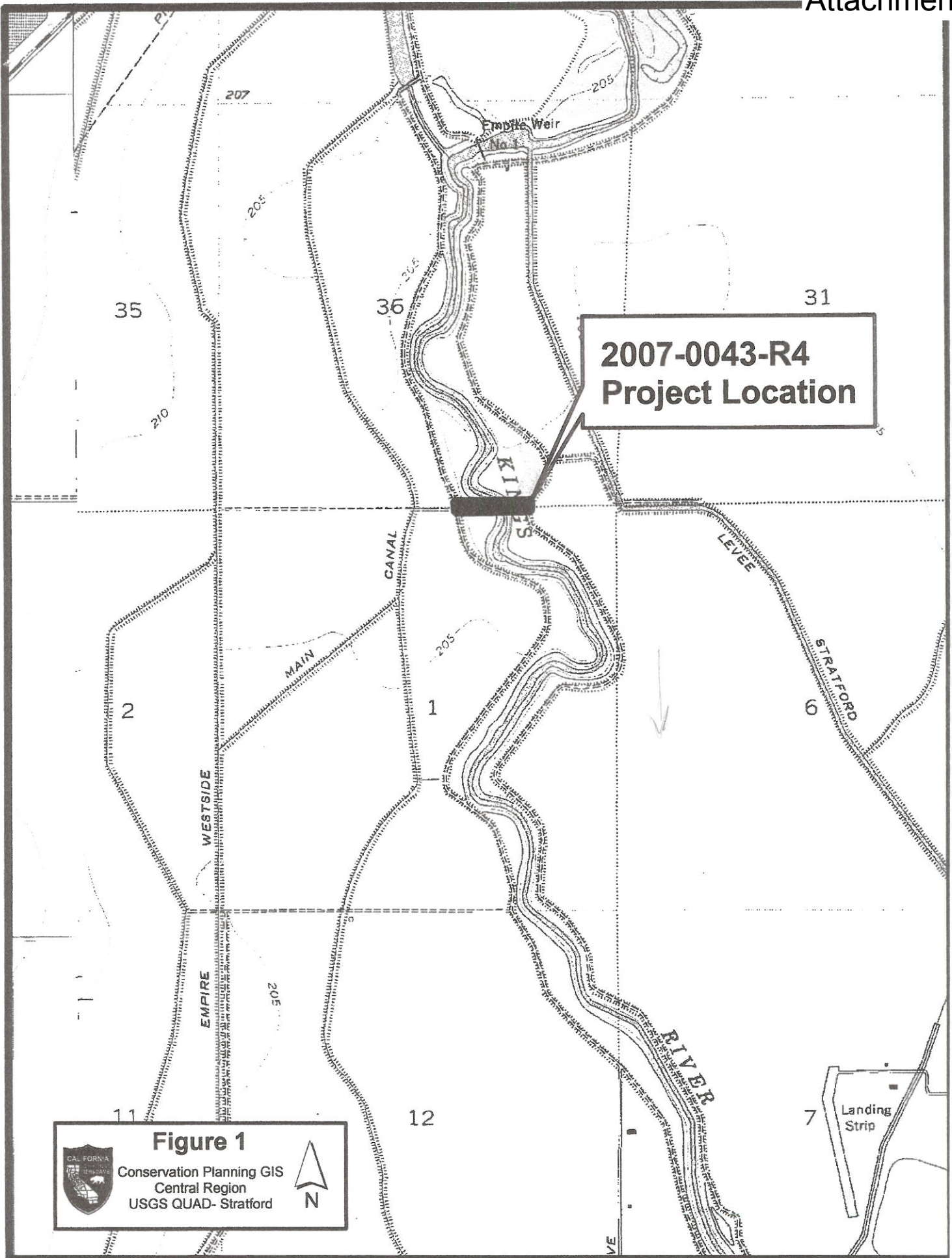


Map Source:
NAIP Aerial Photograph (2005)


 SCALE
 1 inch = 1 mile

SITE MAP
 ORDER NO. R5 -2007-0157
 WASTE DISCHARGE REQUIREMENTS
 FOR
 S K FOODS
 LEMOORE FACILITY
 KINGS COUNTY

ATTACHMENT A





Looking north at the right bank in unit 12 South Fork



Center of the channel 4.1 C.M. South Fork

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18238 GM

This Permit is issued to:

Olam Tomato Processors Inc.
1175 S. 19th Avenue
Lemoore, California 93245

To remove a section of an existing pipe (permitted to Weslake Farms, Inc. on November 25, 1986; No. 14504 GM) and install (trench) a 203-linear-foot long, 18-inch-diameter HDPE water pipe through the left (east) bank levee of the South Fork of Kings River. The project is located in Lemoore, south of Highway 198 and west of Highway 41 (Section 36, T19S, R19E, MDB&M, Kings River Conservation District, Kings River, Kings County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18238 GM

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion

FIFTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SIXTEEN: The permittee shall notify the Kings River Conservation District, 4886 East Jensen Avenue, Fresno, California 93725, telephone (209) 237-5567, at least three days prior to commencement of work.

SEVENTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of

the Department of Water Resources, Kings River Conservation District or any other agency responsible for maintenance.

EIGHTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

NINETEEN: The permittee shall arrange for an inspector from the Department of Water Resources to be at the site prior to any excavation and during all backfill operations. For availability and scheduling of an inspector, contact the Department of Water Resources at telephone number (916) 574-0609 at least 10 working days prior to the start of work.

TWENTY: The Central Valley Flood Protection Board, Department of Water Resources, and Kings River Conservation District shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY-ONE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-TWO: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-THREE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-FOUR: The permittee shall comply with all conditions set forth in the letter from Department of the Army dated December XX, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-FIVE: The permittee shall comply with all conditions set forth in the letter from the Kings River Conservation District dated May 18, 2007, which is attached to this permit as Exhibit B and is incorporated by reference.

TWENTY-SIX: The permittee shall provide supervision and inspection services acceptable to the Central Valley Flood Protection Board. A professional engineer registered in the State of California shall certify that all work was inspected and performed in accordance with submitted drawings, specifications, and permit conditions.

TWENTY-SEVEN: No construction work of any kind shall be done during the flood season from November 1 to July 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-EIGHT: Cleared trees and brush shall be completely burned or removed from the floodway,

and downed trees or brush shall not remain in the floodway during the flood season from November 1 to July 15.

TWENTY-NINE: No excavation shall be made or remain in the levee section during the flood season from November 1 to July 15 without prior approval of the Central Valley Flood Protection Board.

THIRTY: The pipe shall be placed in the center of an open trench 2 feet wider than the diameter of the pipe or 2 times the diameter, whichever is greater.

THIRTY-ONE: The pipe shall be placed in an open cut with side slopes of 1 horizontal to 1 vertical or flatter.

THIRTY-TWO: Pipe installed in the levee section and within 10 feet of the levee toes shall be new steel and at least 7 gauge. Steel pipe shall be corrosion-proofed externally with a coating of coal-tar enamel; asphalt-saturated felt wrap; cement mortar; or PVC or polyethylene tape wrapped to a thickness of 30 mils. Steel pipe shall be corrosion-proofed internally with a continuous lining of cement mortar or asphalt.

THIRTY-THREE: The pipeline shall be tested and confirmed free of leaks by X-ray, pressure tests, or other approved methods during construction or anytime after construction upon request by the Central Valley Flood Protection Board.

THIRTY-FOUR: The invert of the pipe through the levee section shall be above the design flood plane elevation of 230 feet, NGV Datum.

THIRTY-FIVE: The pipe shall be installed through the levee section at a right angle to the centerline of the levee.

THIRTY-SIX: The abandoned pipe shall be removed from the levee section.

THIRTY-SEVEN: The pipe shall be buried at least 24 inches below the levee crown.

THIRTY-EIGHT: The pipe shall be buried at least 12 inches below the levee slopes and 24 inches below the levee crown.

THIRTY-NINE: All fill material shall be imported impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

FORTY: Density tests by a certified materials laboratory will be required to verify compaction of backfill within the levee section.

FORTY-ONE: In the event existing rock revetment on the waterside levee slope is disturbed or displaced during construction, it shall be restored to its preconstruction condition.

FORTY-TWO: The levee project area shall be restored to at least the condition that existed prior to

commencement of work.

FORTY-THREE: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

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4886 East Jensen Avenue
Fresno, California 93725

Tel: 559-237-5567

Fax: 559-237-5560

www.krcd.org

August 20, 2010

Mr. Gary Lemon
Floodway Protection Section
Central Valley Flood Protection Board
P.O. Box 942836
Sacramento, CA 94236

Re: Kings River Designated Floodway - Encroachment Permit Application
CVFPB Application No. 18238 / KRCDD File No. 800.05-237
18" Waste Water Pipeline - SK Foods (now Olam)

Dear Mr. Lemon:

Enclosed are a cover letter and four (4) drawings for the above-referenced application. The applicant is proposing to make the indicated modifications to the left bank. The applicant is not proposing to make the modifications on the right bank at the District's request as the top of the existing pipeline is below the existing ground surface. The right bank modifications are shown on the drawing in the event that the modifications will be required by the Central Valley Flood Protection Board.

The District has no objection to the approval of this application subject to the conditions provided in our earlier correspondence dated May 17, 2007. If you have any questions, please contact Keith Seligman at (559) 237-5567 (office phone) or at (559) 217-4285 (cell phone).

Sincerely,

Steven P. Stadler, P.E.
Chief Engineer

Enclosure: As stated

SPS/dp

L10-0162
File: 800.05-237

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4886 East Jensen Avenue
Fresno, California 93725

Tel: 559-237-5567

Fax: 559-237-5560

www.krcd.org

May 18, 2007

The Reclamation Board
Department of Water Resources
Attention: Floodway Protection Section
Resources Building
3310 El Camino Suite LL40
Sacramento, California 95821

Attention: Mr. Steve Dawson, Chief Engineer

Re: Application KRCD No. 700.05-237 SK FOODS

Dear Mr. Dawson:

Without the authorization of the Reclamation Board or the Kings River Conservation District partial construction has begun on the installation of an 18" wastewater discharge pipe through the South Fork of the Kings River. Enclosed are four (4) copies of an application and accompanying data submitted by Mr. Randy Yingling on behalf of SK FOODS, for approval to construct, operate and maintain an 18-inch diameter HDPE (PE 2408) pipe through the South Fork, Kings River. The project is designed to convey wastewater from the east side of the channel to the west side. The project is located in Unit 11 and 12, C.M. 4.1, in Section 36, T.19S., R.19E., M.D.B. & M. of Kings County.

The Kings River Conservation District has no objection to the approval of this Application subject to the following conditions:

1. All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without the prior approval of The Reclamation Board.
2. That the 18" HDPE pipe installed under the lower water channel shall have and minimum of 10 feet of cover and under the high water channel of minimum 3 feet of cover.
3. That the applicant shall maintain the project works within the utilized area in the manner required and as requested by the Kings River Conservation District
4. That the applicant shall repair any damages within the utilized area caused by its operations under this permit.
5. That the final density of the ground at the entrance and exit points of the boring shall be equal to that of the adjacent undisturbed material.

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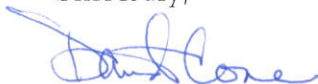
6. That the applicant shall assume all responsibility for removal or protection of the project in the event reconstruction is necessary.
7. That the pipe shall be installed through the levee section at a 90-degree angle to the centerline of the levee and that the pipe shall be placed in the center of an open tranche 2 foot wider than the diameter of the pipe.
8. That the backfill material shall be placed in 4- to 6-inch layers compacted to a density equal to that of the adjacent levee. A density test by a certified materials laboratory will be required to verify compaction of backfill.
9. That the proposed pipe be buried in the levee section with a minimum cover of 24 inches beneath the levee crown and 12 inches beneath the levee slopes.
10. That the applicant shall restore the levee roadway to the same condition as it existed prior to the excavation for the proposed installation including the replacement of any gravel surfacing removed during installation of the pipe.
11. That the applicant notify the Kings River Conservation District, 4886 East Jensen Avenue, Fresno California 93725, (559) 237-5567 at least three (3) days prior to commencement of work.

If you have any questions, please contact Keith Seligman at (559) 237-5567 (office phone) or at (559) 217-4285 (cell phone).

If the Board could please expedite the process on this permit it would be greatly appreciated.

Please provide the District with a copy of the Board's action taken on this application.

Sincerely,



David Cone
Deputy General Manager,
Water/Environmental Resources & Flood Control

Enclosures: As Stated